

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

STATE OF TEXAS
Plaintiff,

v.

ALEJANDRO MAYORKAS, in his official
capacity as Secretary of Department of
Homeland Security; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; MERRICK GARLAND, in his
official capacity as Attorney General of the
United States, UNITED STATES
DEPARTMENT OF JUSTICE,
Defendants.

No. 2:23-CV-00024

MOTION FOR EXTENSION OF TIME

TO THE HONORABLE JUDGE ALIA MOSES:

Plaintiff, the State of Texas, requests an extension on its Response to Defendants' Motion to Dismiss and respectfully shows the following:

Texas filed an Unopposed Motion for Leave to File an Amended Complaint on November 10, 2023. Dkt. 23. Texas's Response to Defendants' Motion to Dismiss the Original Complaint is presently due November 13, 2023. Texas files this Motion in the event the Court denies its Unopposed Motion for Leave to File an Amended Complaint. Should the Court do so, Texas respectfully requests an extension of time to file a Response to Defendants' Motion to Dismiss until 30-days after the Court issues its Order.

"When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion if . . . a request is made before[] the original time or

its extension expires.”¹ “Rule 6(b)(1)(A) gives the court wide discretion to grant a request for additional time that is made prior to the expiration of the period originally prescribed or prior to the expiration of the period as extended by a previous order.”² “[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”³

This extension is not sought for delay, and an extension will not affect any scheduling order in this case.

Dated November 13, 2023.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

RYAN D. WALTERS
Chief, Special Litigation Division

BRENT WEBSTER
First Assistant Attorney General

/s/ Amy Snow Hilton
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¹ Fed. R. Civ. P. 6(b)(1)

² Charles Alan Wright & Arthur R. Miller, 4B Fed. Prac. & Proc. Civ. § 1165 (4th ed. April 2017).

³ *Id.*

CERTIFICATE OF CONFERENCE

I certify that on November 13, 2023, I attempted to confer with counsel for Defendants but had not yet received a response at the time of filing.

/s/ Amy Snow Hilton
AMY SNOW HILTON

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on November 13, 2023, and that all counsel of record were served by CM/ECF.

/s/ Amy Snow Hilton
AMY SNOW HILTON